THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25698 OF 2007

DATED: 24-12-2007

BETWEEN

Katragadda Lalithamma,
W/o. Singaiah,
R/o. Chavatapalem (V),
Ponnaluru (M),
Prakasam District and others.

...PETITIONERS

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary to
Revenue Department, Secretariat,
Saifabad, Hyderabad and three others.

...RESPONDENTS

ORDER:

Petitioners submit that they have been granted house site pattas in an extent of Ac.0.03 cents each in Sy.No.153/3 of Chavatapalem Village, Ponnaluru Mandal, Prakasam District and they have all erected houses and household cards were also issued in their favour. While so, the Tahsildar, Ponnaluru Mandal issued a show cause notice in Rc.No.D.T./235/07 dated 30.10.2007 calling upon the petitioners to submit explanations within 7 days as to why their house site pattas shall not be cancelled on the ground that the petitioners have failed to construct houses within the stipulated time as per the terms and conditions of the house site patta.

2. Petitioners further submit that they have submitted a joint explanation to the said show cause notice on 13.11.2007 stating that they have erected temporary houses and sometimes when they do not have work they go in search of work leaving their houses to eke out their livelihood and

accordingly requested not to cancel the house site pattas and permit them to continue to reside in the said houses.

They further submit that with a view to allot the house sites under the Indiramma Scheme they are sought to be evicted without any justification.

3. Learned Government Pleader submits that pursuant to the show cause notice the petitioners filed explanation but no final orders have been passed so far.

4. If that be so, I am of the opinion that until final orders are passed by the fourth respondent, the petitioners cannot be dispossessed pursuant to the show cause notice dated 30.10.2007 in Rc.No.D.T/235/07.

5. Having regard to the facts and circumstances of the case,

the fourth respondent is directed to consider and dispose the explanation of the petitioners dated 13.11.2007 pursuant to the show cause notice dated 30.10.2007 and till the final orders are passed status quo with regard to possession obtaining as on today shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

December 24, 2007
DSK